REMARKS

Amendments

Claim 41 is cancelled.

Rejection of Claim 41 under 35 USC 112, first paragraph

This rejection is rendered moot by the cancellation of claim 41. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 112, first paragraph

Claims 1, 23, 26, 29, 30, 32, 40, 42-60, and 70 are rejected under 35 USC 112, first paragraph, on grounds of lack of enablement with regards to the preparation of stereoisomers. This rejection is respectfully traversed.

In the rejection, it is asserted that "stereoisomer includes within the broadest reasonable interpretation any isomer." This is incorrect.

Within the chemical arts, there are two main forms of isomerism: constitutional isomerism or stereoisomerism. Constitutional isomers are compounds that have the same molecular formula but differ in the nature or sequence of their bonds. Stereoisomers also have the same molecular formula but differ only in the arrangement of their atoms in space. See, for example, Grant & Hackh's Chemical Dictionary, 5th Edition, edited by Grant et al., pages 313 and 553 (copy attached). See also J. March, Advanced Organic Chemistry: Reactions, Mechanisms, and Structure, 4th Edition, p. 94 (1992), which defines a stereoisomer as follows: "Stereoisomers are compounds made up of the same atoms bonded by the same sequence of bonds but having different three-dimensional structures which are not interchangeable." Thus, one of ordinary skill in the chemical arts would not reasonably interpret stereoisomer to mean any isomer.

The rejection further asserts that the "only guidance present in the instant specification is for compounds of Formula I." However, it is noted that Formula I is not defined in terms of any specific stereo-configuration.

In any event, the specification clearly provides guidance with regards to stereoisomers. For example, the disclosure at page 44 discloses that the pharmaceutical

activity of racemates or stereoisomers of compounds according to the invention may differ. Thus, end products or intermediates "can be separated into enantiomeric compounds by chemical or physical measures known to the person skilled in the art or even employed as such in the synthesis."

Further, it is disclosed that such separation can be performed by means of resolving agents to form separable diastereomers and by chromatographic enantiomer resolution. Many stereoisomer separation techniques are known within the art. See, for example, Otto et al. (US 2004/0214844).

Additionally, the rejection asserts that no data is present in the specification of the preparation of isomers. Applicants disagree. See, for example, Example 1 which describes the preparation of the stereoisomer 1-N-[(4-chlorophenyl)]-2-N-{[4-(3-oxomorpholin-4-yl)-phenyl]}-(R)-pyrrolidine-1,2-dicarboxamide. Synthesis is achieved through the use of an intermediate that is stereo specific, i.e., D-Boc-proline. See also the numerous other stereoisomers prepared in the Examples in the specification.

In view of the above remarks, it is respectfully submitted that the disclosure presented in the specification provides sufficient guidance to objectively enablement on of ordinary sill in the art to make and use the claimed invention without undue experimentation. See, e.g., *In re Marzocchi et al.,* 169 USPQ 367 (CCPA 1971) and *In re Angstadt*, 190 USPQ 214, 219 (CCPA 1976). Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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